

DFC - CMC - 04



DEPARTMENT OF THE NAVY

(b)(6), (b)(7)(c)

1616
Ser N02L/026

13 FEB 2018

FOURTH ENDORSEMENT on
of 9 Jan 18

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

ltr 1616 Ser (b)(6), (b)(7)(c)/002

(b)(6), (b)(7)(c)

From

To: Commander, Navy Personnel Command (PEKS-832)

Subj: NON-JUDICIAL PUNISHMENT AND REQUEST FOR DETACHMENT FOR
CAUSE ICO (b)(6), (b)(7)(c)

1. Forwarded, concurring with the recommendations that (b)(6), (b)(7)(c) U.S. Navy,
be detached for cause and processed for administrative separation.

2. My point of contact for this matter is CDR (b)(6), (b)(7)(c) JAGC, USN, Staff Judge
Advocate. She may be contacted at (b)(6), (b)(7)(c) or (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Copy to:

(b)(6), (b)(7)(c)



DEPARTMENT OF THE NAVY

(b)(6), (b)(7)(c)

1616
Ser N02L/027
25 Jan 18

THIRD ENDORSEMENT of (b)(6), (b)(7)(c) ltr 1616 Se (b)(6), (b)(7)(c) 002
of 9 Jan 18

From: (b)(6), (b)(7)(c)
To: Commander, Navy Personnel Command (PERS 832)
Via: (b)(6), (b)(7)(c)

Subj: NON-JUDICIAL PUNISHMENT REPORT AND REQUEST FOR DETACHMENT
FOR CAUSE ICC (b)(6), (b)(7)(c) USN, (b)(6), (b)(7)(c)

1. Forwarded. I concur with the recommendation that (b)(6), (b)(7)(c) U.S. Navy, be detached for cause based on misconduct. (b)(6), (b)(7)(c) conduct constituted a significant departure from the conduct expected of a senior enlisted leader.
2. Additionally, (b)(6), (b)(7)(c) has been notified of administrative separation.
3. My point of contact for this matter is LT (b)(6), (b)(7)(c) JAGC, USN. She may be reached at (b)(6), (b)(7)(c) or via email at (b)(6), (b)(7)(c)



DEPARTMENT OF THE NAVY
(b)(6), (b)(7)(c)

1616
Ser (b)(6), (b)(7)(c) 008
23 Jan 18

SECOND ENDORSEMENT on (b)(6), (b)(7)(c) ltr 1616 Ser (b)(6), (b)(7)(c) 002
of 9 Jan 18

From: (b)(6), (b)(7)(c)
To: (b)(6), (b)(7)(c)
Via: (b)(6), (b)(7)(c)

Subj: NONJUDICIAL PUNISHMENT REPORT AND REQUEST FOR DETACHMENT FOR CAUSE ICO
(b)(6), (b)(7)(c) USN, (b)(6), (b)(7)(c)

1. Forwarded for Action. Master Chief (b)(6), (b)(7)(c) was served notice for
detachment for cause on 10 January 2018 and will not submit a statement.

2. If you have any questions, I can be reached at (b)(6), (b)(7)(c) or email at
(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

1616
10 Jan 18

FIRST ENDORSEMENT on (b)(6), (b)(7)(c) ltr 1616 Ser (b)(6), (b)(7)(c) /002
of 9 Jan 18

From: (b)(6), (b)(7)(c) USN
To: Commander, Navy Personnel Command (PERS 832)
Via: (1) (b)(6), (b)(7)(c)
(2)
(3)

Subj: NONJUDICIAL PUNISHMENT REPORT AND REQUEST FOR DETACHMENT FOR CAUSE ICO
(b)(6), (b)(7)(c) USN, (b)(6), (b)(7)(c)

1. I have received the letter reporting the nonjudicial punishment imposed on 11 December 2017 and requesting my detachment for cause. I understand the request may be filed in my official record.

2. I am aware of the contents of MILPERSMAN 1070-080 and I (do/~~do not~~) desire to make a written statement (attached).

3. I further understand that I have 10 calendar days from this date to submit my statement. If I make such election and then fail to submit a statement in that period of time, it will be treated as a waiver of that right. I understand that any statement I make must be couched in temperate language, be confined to the facts, and not impugn the motives of others or make countercharges.
(b)(6), (b)(7)(c)



DEPARTMENT OF THE NAVY

(b)(6), (b)(7)(c)

1616
Ser (b)(6), (b)(7)(c) 002
9 Jan 18

From: (b)(6), (b)(7)(c)
To: Commander, Navy Personnel Command (PERS 832)
Via: (1) (b)(6), (b)(7)(c)
(2)
(3)
(4)

Subj: NONJUDICIAL PUNISHMENT REPORT AND REQUEST FOR DETACHMENT FOR CAUSE ICO
(b)(6), (b)(7)(c) USN, (b)(6), (b)(7)(c)

Ref: (a) MILPERSMAN 1616-040
(b) MILPERSMAN 1616-010
(c) (b)(6), (b)(7)(c)
(d) Uniform Code of Military Justice (UCMJ), Article 15
(e) JAGINST 5800.7F, Chapter 1, Part B

Encl: (1) Report and Disposition of Offense (NAVPERS 1626/7)
(2) Member's Notification and Election of Rights
(3) CDR (b)(6), (b)(7)(c) USN ltr of 5 Dec 17 w/ Enclosures
(4) Punitive Letter of Reprimand
(5) Member's Written Punitive Letter of Reprimand Acknowledgement
(6) Member's NJP Appeal Rights
(7) (b)(6), (b)(7)(c) ltr of 13 Dec 17
(8) (b)(6), (b)(7)(c) ltr 1616 Ser (b)(6), (b)(7)(c) /302 of 15 Dec 17
w/o Enclosure
(9) (b)(6), (b)(7)(c) ltr 5812 Ser N01L/004 of 8 Jan 17

1. Per references (a) through (e), this Report of Nonjudicial Punishment and Detachment for Cause Request in the case of (b)(6), (b)(7)(c) USN is forwarded for review and action. On 11 December 2017, (b)(6), (b)(7)(c) received nonjudicial punishment (NJP) for violations of Uniform Code of Military Justice (UCMJ) Article 92 (Failure to obey order or regulation) (two specifications) and Article 134 (Indecent conduct) (two specifications). Enclosures (1) and (2) are the report of disposition of offense and member's notification and election of rights. Enclosure (3) is the command investigation into the facts and circumstances surrounding (b)(6), (b)(7)(c) inappropriate behavior towards two (b)(6), (b)(7)(c) staff members. (b)(6), (b)(7)(c) was provided the opportunity to review all evidence contained in enclosure (3).

2. The NJP charges were based on alleged sexual harassment and misconduct (b)(6), (b)(7)(c) committed against two female (b)(6), (b)(7)(c) staff members. At the NJP proceeding, (b)(6), (b)(7)(c) entered a plea of not guilty involving one of the sexual harassment complainants (one specification of UCMJ Article 92 and one specification of UCMJ Article 134), and he entered a plea of guilty regarding the charged offenses involving the other sexual harassment complainant (one specification of UCMJ Article 92 and one specification of UCMJ Article 134). (b)(6), (b)(7)(c) specifically admitted to the charged offenses involving one of the staff members. I found (b)(6), (b)(7)(c) guilty of violating all specifications of UCMJ Article 92 and Article 134. I awarded him a punitive

Subj: NONJUDICIAL PUNISHMENT REPORT AND REQUEST FOR DETACHMENT FOR CAUSE ICO
(b)(6), (b)(7)(c) USN, (b)(6), (b)(7)(c)

letter of reprimand. By his actions, (b)(6), (b)(7)(c) has shown his character is not in keeping with the standards expected of a senior enlisted leader.

3. A copy of the Punitive Letter of Reprimand is attached as enclosure (4). (b)(6), (b)(7)(c) acknowledged receipt of his Punitive Letter of Reprimand on 11 December 2017, per enclosure (5).

4. As reflected in enclosure (7), (b)(6), (b)(7)(c) appealed the NJP punishment. Enclosure (8) was (b)(6), (b)(7)(c) response to the appeal. Per enclosure (9), his appeal was subsequently denied by (b)(6), (b)(7)(c) (b)(6), (b)(7)(c). Accordingly, the NJP is now final and will be reflected in the evaluation that covers the date the NJP was imposed.

5. In addition, I request (b)(6), (b)(7)(c) be detached for cause, in accordance with reference (b) from (b)(6), (b)(7)(c) by reason of misconduct. Due to his misconduct, I have lost trust in (b)(6), (b)(7)(c) ability to successfully serve as my (b)(6), (b)(7)(c) during my upcoming deployment. The following events justify this detachment for cause request for (b)(6), (b)(7)(c)

a. On 25 November 2017, members of my crew informed me of a post made by (b)(6), (b)(7)(c) on Facebook, where he claimed he made a serious mistake and believed his career was over. Concerned, I called him to check on him and to get more details. Eventually, he informed me he had sent a sexually explicit photo to another service member (Victim #1). Although I was disturbed by the misconduct, I was equally disturbed by how he chose to publicly discuss the matter on social media. Since (b)(6), (b)(7)(c) is friends with a significant portion of my crew, his public conduct instigated rampant speculation on board and undermined his credibility as a member of the Command Triad.

b. I assigned my (b)(6), (b)(7)(c) to conduct a Preliminary Inquiry on this event. The (b)(6), (b)(7)(c) took a statement from (b)(6), (b)(7)(c) on 26 November 2017 where he stated the photographs in question were intended to be sent only to his wife, but had sent them to Victim #1 in error. The conversation itself was unavailable at the time since (b)(6), (b)(7)(c) had deleted his Facebook account in a claimed attempt to remove his social media posts. Having no reason to doubt his integrity, I waited for the (b)(6), (b)(7)(c) to have an opportunity to discuss (b)(6), (b)(7)(c) interaction with Victim #1 and to possibly view the conversation himself. While waiting for this to occur, another service member (Victim #2) came forward and described a similar situation where (b)(6), (b)(7)(c) sent her a sexually explicit photograph in July of 2016. Both victims filed NAVPERS 5354/2 forms (Navy Equal Opportunity and Sexual Harassment Formal Complaint Form) alleging (b)(6), (b)(7)(c) committed misconduct and sexual harassment.

c. (b)(6), (b)(7)(c) then convened a Command Investigation. Per enclosure (3), the Command Investigation uncovered evidence to substantiate both staff members' allegations of misconduct and sexual harassment by (b)(6), (b)(7)(c)

d. Moreover, on 30 November 2017, a third anonymous complainant came forward alleging (b)(6), (b)(7)(c) sexually harassed her in November 2017 by sending her several sexually explicit Facebook messages. The anonymous complainant received some of the same sexually explicit photographs that the second complainant had received during the same 2017 Thanksgiving holiday weekend.

Subj: NONJUDICIAL PUNISHMENT REPORT AND REQUEST FOR DETACHMENT FOR CAUSE ICO
(b)(6), (b)(7)(c) USN, (b)(6), (b)(7)(c)

6. After fully reviewing the facts and opinions of this case, the following additional administrative actions have been initiated:

a. As (b)(6), (b)(7)(c) reassignment of (b)(6), (b)(7)(c) within his command is not feasible. (b)(6), (b)(7)(c) has been temporarily reassigned to the (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) until permanent change of station orders can be arranged.

b. I do not recommend retention. I intend to initiate administrative separation processing.

7. (b)(6), (b)(7)(c) is my Senior Enlisted Advisor, a billet that is absolutely critical to the combat effectiveness of my warship. As a member of the Command Triad, I require there to be absolute trust and faith between us all. I also require members of the Command Triad to be a paragon of Navy Core Values and the principles which have been the foundation of our Navy's success for centuries. However, based on his conduct (b)(6), (b)(7)(c) can no longer fulfill that role. Furthermore, based on his public conduct after the fact and falsehoods during the course of the investigation, he has lost my trust and confidence. Based on this, I request a Detachment for Cause (DFC) for (b)(6), (b)(7)(c)

8. By copy hereof and by enclosure (7) (b)(6), (b)(7)(c) is notified of his right, per references (a) and (b), to submit his comments, within ten (10) days of receipt, concerning this report of NJP and the letter of reprimand, which will be included as adverse matters in his official record. (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) is also hereby notified that those in the endorsement chain may choose to make recommendations different than those contained in this letter. His comments or declinations to make a statement will be reflected in his endorsement to this letter.

9. My point of contact for this matter is LCDR (b)(6), (b)(7)(c) at (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) or email at (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Copy to:
(b)(6), (b)(7)(c)